



REGULAR MEETING OF GREENBELT CITY COUNCIL held September 9, 2002.

Mayor Davis called the meeting to order at 8:05 p.m.

ROLL CALL was answered by Council members Edward V. J. Putens, Rodney M. Roberts, Alan Turnbull, Thomas X. White, and Mayor Judith F. Davis.

ALSO PRESENT were Michael P. McLaughlin, City Manager; David E. Moran, Assistant to the City Manager; John F. Shay, City Solicitor; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in memory of Jessica Wacker, daughter of former resident Monica Mills Johnston and granddaughter of former City Clerk Gudrun Mills. She also asked for remembrance of all the victims of the September 11, 2001, attacks, as well as their families. She then led the Pledge of Allegiance to the flag.

CONSENT AGENDA: Mr. Roberts asked that item #20 (Appointments to Advisory Groups) be removed from the consent agenda; Mr. White asked that #17 (Approval of Items for Funding Following Close of FY 2002) be removed; and Mayor Davis asked that #16 (Expanding Recycling Awards to Non-City Customers; Citywide Litter Pick-Up Date; and Lake Park Clean-Up Date) be removed. It was then moved by Mr. Turnbull and seconded by Mr. White that the consent agenda be approved as amended. The motion passed 5-0.

Council thereby took the following actions:

MINUTES

- Work Session, May 9, 2002
- Four Cities Meeting, May 9, 2002
- Interviews, August 12, 2002
- Regular Meeting, August 12, 2002
- Work Session, August 21, 2002
- Interview, August 26, 2002
- Work Session , August 26, 2002
- Work Session, August 28, 2002

Approved as presented.

COMMITTEE REPORTS

Arts Advisory Board Report #03-001 (Poet Laureate): Council received this report and agreed to consider it on the agenda of the next meeting.

Arts Advisory Board Report #03-002 (Greenbelt Arts Policy): Council received this report and agreed that it should be scheduled as the topic of a work session.

Advisory Planning Board Report #02-04 (Postal Facility Preliminary Site Plan): Council accepted this report and will consider it with the preliminary site plan at the next meeting.

DESIGNATION OF VOTING DELEGATE AND ALTERNATES TO NLC CONGRESS OF CITIES: Council authorized the City Clerk to notify the National League of Cities that at the 2002 Congress of Cities in Atlanta, Mayor Davis will be the Avoting delegate@ and Council members White and Putens will be the Aalternate voting delegates.@

ATTENDANCE AT MARYLAND MUNICIPAL LEAGUE BOARD RETREAT: Council authorized reimbursement of Mayor Davis=s expenses of about \$200 in representing the City at the Maryland Municipal League Board Retreat in Gaithersburg on September 13-14.

RESIGNATIONS FROM ADVISORY GROUPS: Council accepted with regret the resignations of Elizabeth Roslewicz from the Advisory Committee on Education and Teddy Primack from the Arts Advisory Board.

APPROVAL OF AGENDA: Mr. Putens moved approval of the agenda. Mr. Turnbull seconded the motion, which passed 5-0.

PRESENTATIONS

National History Day Project on Greenbelt: Mayor Davis expressed appreciation for the gift to the City by Aaron Josephson and Andre Yewdell of John F. Kennedy High School in Silver Spring and Mike Yoler of Bethesda-Chevy Chase High School of their 2002 National History Day project called AGreenbelt: The City That Changed America.@ The project won first place at the state level and received an Outstanding State Entry award in the national competition.

Since the chair of the Community Relations Advisory Board was not present, Council agreed to postpone the other presentation until later in the meeting.

PUBLIC HEARING ON FY 2003 CAPITAL PROJECTS BUDGET: Mayor Davis read the agenda comments and announced that the public hearing was open. She read a letter from Barbara Simon expressing support for funding for inspection and cleaning of the frieze on the Community Center. Since no one wished to speak, Mayor Davis closed the public hearing.

PETITIONS AND REQUESTS: Sylvia Lewis, 2-C Gardenway, thanked Council for the City's support for the upcoming Pink Ribbon Ride on September 21 and distributed registration forms. Julia Eichhorst, president of the board of Greenbelt Homes, Inc., announced the receipt of a grant for the removal and replanting of trees, which the City had supported.

PRESENTATIONS - Peace Month Proclamation: Mayor Davis read a proclamation declaring September 11 through October 11 to be APeace Month® in the City of Greenbelt. Kevin Hammett and Booker Hughes, received the proclamation on behalf of the Community Relations Advisory Board, and Mr. Hammett described some of the activities that will occur in Greenbelt over the month.

MINUTES OF MEETINGS

Executive Session of April 30 and May 8, 2002: Mr. Roberts moved that the minutes of the executive session of the City Council held Tuesday, April 30 and reconvened on Wednesday, May 8, 2002, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 10:15 p.m. on April 30 in the Library of the Municipal Building. The session was reconvened at 9:32 p.m. on May 8. Council held this closed meeting in accordance with Section 10-508 (a)(1) of the State Government Article of the Annotated Code of Public General Laws of Maryland to discuss a specific personnel matter, the performance evaluation of the City Manager. Mr. Putens seconded the motion.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Executive Session of May 22, 2002: Mr. Roberts moved that the minutes of the executive session of the City Council held Wednesday, May 22, 2002, be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in executive session at 9:37 p.m. in the Multipurpose Room of the Community Center. Council held this closed meeting in accordance with Section 10-508 (a)(1) of the State Government Article of the Annotated Code of Public General Laws of Maryland to discuss a specific personnel matter, the performance evaluation of the City Manager. Mr. Turnbull seconded the motion.

ROLL CALL Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

ADMINISTRATIVE REPORTS

Mr. Putens asked the City Manager to look into complaints from residents in Greenbelt East that their U.S. mail was not being delivered because other individuals were legally parked on the street but, according to the Post Service, blocking their curbside mailboxes.

Mr. Turnbull requested that updates be provided to Council on several items: Metroland, the various Gateway and Corridor studies; and the State Highway Administration (SHA) study of beltway noise and sound barriers. Mr. White added that the 22nd District Delegation should be informed of the pending request to SHA.

Mayor Davis thanked everyoneBfestival committee and City staffBfor their work on the Labor Day Festival. She said she, Mr. White, and City staff had met on September 25 with representatives from AIMCO, the owners of Springhill Lake. She said another meeting on planning and zoning authority had been held with representatives of Bowie, College Park, and the Maryland-National Capital Park and Planning Commission.

LEGISLATION

An Ordinance to Amend the Capital Projects Budget for Fiscal Year 2003: Mayor Davis read the agenda comments. Mr. Putens introduced the ordinance for second reading and adoption. Mr. White seconded the motion. Mayor Davis asked staff to remember that the study of the lake was not to be limited to water quality.

ROLL CALL

Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The ordinance was declared adopted (Ordinance No. 1231, Book 11).

A Resolution to Authorize the Negotiated Purchase of Certain Goods and Services from Various Vendors as Enumerated Herein When Total Fiscal Year Purchases from Each Vendor Exceed Ten Thousand Dollars (\$10,000): Mayor Davis read the agenda comments. Mr. White introduced the resolution for second reading and adoption. Mr. Putens seconded the motion.

ROLL CALL

Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The resolution was declared adopted (Resolution No. 953, Book 8).

AWARD OF PURCHASE - REPLACEMENT VEHICLES, PUBLIC WORKS: The Mayor read the agenda comments and then asked Kenny Hall, Director, Public Works, what the City does with the trucks and snow plows it replaces. Mr. Hall said in this instance there are two already out of service, and old plows may be used as spares or for parts. Mr. Roberts said he did not believe these vehicles were reliable, though older models had been. He also initiated considerable discussion of whether the City should still be purchasing diesel-fueled vehicles. It was mentioned that the cost of fast-fill stations for natural gas is such that the state should be encouraged to subsidize municipalities in getting access to them. Mr. Roberts maintained that the City could use the fast-fill station on Route 1, and Mr. Turnbull agreed that the increased time of so doing would not be a factor except on snow days. Mr. White said he thought going with biodiesel fuel had been a major step up. Mr. Hall responded that the biodiesel fuel is much cleaner than people realize and that the City has been moving toward using the cleanest mixture of it that the fleet can use. Eventually, it was moved by Mr. Putens and seconded by Mr. White that Council approve the purchase of three replacement pickup trucks from Norris Ford of Baltimore, Maryland, in accord with Montgomery County=s bid #0507000028CD, at a cost of \$26,016 each or \$78,048 for all three; also included in the motion was the purchase of three new snow plows, including installation, bringing the cost per vehicle to \$7,725, for a total cost of \$85,773. The motion passed 3-2 (Roberts, Turnbull).

NEW ALCOHOLIC BEVERAGE LICENSE APPLICATION - NEW DEAL CAFÉ: Mayor Davis read the agenda comments. She first raised the question of Council members= memberships in the New Deal, saying she had submitted her resignation subsequent to the last meeting. Mr. White said he had submitted his resignation tonight. Mr. Putens and Mr. Roberts said they were not members. Mr. Turnbull said his understanding of prior decisions on this matter was that voting on a Council action was the issue, not participating in the discussion of it. Mr. Shay said it appeared that the City=s ethics law would apply in this situation and that members of the New Deal should not Aparticipate@ in any matters regarding the Café that could result in a direct financial impact. Mr. Turnbull said he would wait to see if Council would consider taking a position on the agenda item, since he did not believe anything short of that would require his resignation.

Ray Stevens, president, and Terri Rutledge, general manager of the New Deal Café, were in attendance. Mr. Stevens said that since the last meeting with Council, the board of the Café had met, and he and Ms. Rutledge had met with any attorney. The Mayor asked about training of servers. Ms. Rutledge said she would attend the training

and, although it was not an actual requirement, the Café would bring in a trainer to work with all those who are 18 and older and would thus be qualified to serve alcohol. Mr. Putens asked what hours beer and wine would be available. Ms. Rutledge said they had been advised not to limit the hours, though she could not imagine serving before 11 a.m. She also described the strong response the New Deal had received to a petition they made available to customers, and she presented it to Council.

Mayor Davis noted that, the petition notwithstanding, she had also heard from a good number of residents who were not in support of the license. Mr. Roberts also reiterated his objections. He said further that he believed that members of Council had a conflict of interest with regard to the Café, whether or not they resigned, and that Council should not go further than to take a position of *Ano position@* on the application. He made this motion, adding that this represented a substantial compromise on his part. Mr. Putens offered a second. Ms. Rutledge said she was disappointed not to have a motion for Council support; she said was not unprecedented for Council to take a position of support, the community supports it, and if Council Ais comfortable with it,@ then Council should support it too. Mayor Davis said she was not altogether Acomfortable@ with the notion that serving alcohol was, as had been suggested by the New Deal, necessary for their survival. Ms. Rutledge responded that implicit in the Mayor=s statement was the idea that serving beer and wine was a bad thing and that most of the community does not share that view. Mr. Putens told Ms. Rutledge that it would make a stronger statement in the Café=s behalf with the Liquor Board if Council took a unanimous position of *Ano position@* rather than supporting the application on a split vote that would make it obvious that there was some opposition. Mr. Roberts agreed, adding that he thought passing his motion would be the best course of action for both the community and the Council.

Mr. White said that while he would vote in favor of the current motion, he would also respond favorable to a motion in favor of support. He said he continued to believe adding beer and wine to the menu would enhance the Café. He offered to make a motion to support the application if the makers of the previous motion would withdraw it.

Saying he had now submitted his resignation to Mr. Stevens and Ms. Rutledge, Mr. Turnbull added that he thought the suggestions of conflict of interest were off base, since no member could actually profit from the operation of the New Deal. He said the license would benefit Roosevelt Center and support the kind of economic development that will help the Center to continue to flourish. He said when a responsible local business comes to Council with a reasonable request, Council should grant it. He said he would vote against the motion to take no position. Mr. Putens withdrew his second for the motion, noting that Council had supported the Coop=s application to sell beer and wine. Mayor Davis then seconded Mr. Roberts= motion, adding that her action should not be taken as suggesting any lack of support on her part for the New Deal.. She asked if anyone in the audience wished to speak. Joel Rubenstein, 17-E Parkway, spoke in support of the application.

When the vote was taken, the motion to take a position of *Ano position@* was defeated 2-3 (Putens, Turnbull, White). Mr. Turnbull then moved Council express support of the New Deal=s application to the Liquor Board. Mr. Putens seconded. The motion passed 3-2 (Davis, Roberts).

EXPANDING RECYCLING AWARDS TO NON-CITY CUSTOMERS; CITYWIDE LITTER PICK-UP DATE; LAKE PARK CLEAN-UP DATE: Mayor Davis read the agenda comments and asked Neal Barnett, chair of the Recycling & Environment Advisory Committee (REAC), to describe the upcoming Lake Park Clean-Up on October 19 and the first Citywide Clean-Up to be held September 21. Cindy Murray, staff liaison to REAC, noted that groups that wish to participate in the Citywide Clean-Up may call Public Works for bags and gloves and to arrange pick-up. She also said the Win with Your Bin contest will be held the week of November 12.

APPROVAL OF ITEMS FOR FUNDING FOLLOWING CLOSE OF FY 2002: Mr. White said he did not recall participating in Council discussion of this plan to fund additional items and that he did not support it. Describing this as Retroactive budgeting, he said items should not be added to a budget that had already been approved. Among other concerns, he said, there was no way to know if these items were currently the highest priorities. Mayor Davis pointed out that there had been items on the Council Action Requests Report soliciting funding lists. Mr. McLaughlin added that the funding involved was not a surplus but rather a decrease in the amount the City was required to draw down from the fund balance. Mr. White moved that funding not be approved for these items. Mr. Turnbull seconded. The motion was defeated 2-3 (Davis, Putens, Roberts). Mr. Putens moved Council approval of funding the items proposed by the City Manager, for a total figure of \$30,200. Included among these items were: the retaining wall at the Municipal Building, a photocopier for the Planning and Community Development office, additional equipment for Public Works, and a number of items for the Recreation Department. This motion was seconded by Mr. Roberts and passed 3-2 (Turnbull, White).

APPOINTMENTS TO ADVISORY GROUPS: Mr. Roberts moved that Council appoint Chuck Ashurst and Shalam Fisher to the Recycling and Environment Advisory Committee. Mr. Putens seconded the motion, which passed 5-0.

MEETINGS: Council reviewed the schedule of meetings. The Mayor asked for an update on the news rack issue, noting that New York City had recently adopted legislation in this area.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Mr. White. The motion carried 5-0. Mayor Davis adjourned the regular meeting of September 9, 2002, at 10:07 p.m.

Respectfully submitted,

Kathleen Gallagher
City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held September 9, 2002.@"

Judith F. Davis
Mayor